REMARKS

In response to the final Office Action dated April 7, 2005, Applicant respectfully requests favorable reconsideration of the above-captioned application in view of the following remarks. Claims 1-4, 7-11, 13-15, 18-24, 26, 32-35, 39-43, 49, 51, 52, and 55 remain pending in this application.

RCE Filed Contemporaneously Herewith

The Patent Office is advised that this paper is accompanied by a Request for Continued Examination (RCE), being filed concurrently herewith.

35 U.S.C. § 103 Rejections

Claims 1-4, 13-15, 18-24, 26, 32-35, 41-43, 49, 51, 52, and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of U.S. Patent No. 5,678,039 to Hinks et al. (referred to below as "Hinks") in view of "OpenWindows Developer's Guide: Xview Code Generator Programmer's Guide," by Sun Microsystems (referred to below as "Sun"), and further in view of "Gawk 3.1 new feature list" by A. Robbins (referred to below as "Robbins-2" to distinguish it over the previously cited Robbins document). Claims 7, 8, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sun in view of Robbins-2. Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sun in view of Robbins-2 and U.S. Published Patent Application No. 2002/0107684 to Gao (referred to below as "Gao"). Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sun in view of Robbins-2 and Hinks. And finally, claims 39 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hinks in view of Sun, Robbins-2, and Gao.

1   Applicant respectfully traverses each of these rejections for the reasons stated

2 below. To facilitate the Examiner's review of this paper, Applicant will advance directly

3 to the heart of the reasons which warrant allowance of the application over the applied

4 documents. A more detailed discussion of the Hinks, Sun and Gao documents can be

5 found in the July 16, 2004 Response. The arguments presented in that Response are to be

6 considered presented herein by reference.

7   For ease of reference, independent claim 1 is reproduced below in its entirety,

8 with emphasis added:

9

10   1. A computer-implemented method comprising:

11   analyzing a computer-servable document written for a particular locale;

12   extracting *and removing* locale-sensitive content from the document *while leaving*

13 *locale-independent elements in the document*;

14   storing the locale-sensitive content in a data structure separate from the document;

15 and

16   *substituting*, in a *same operation as the extracting and removing*, a function call *in*

17 *place of* associated removed locale-sensitive content in the document, the function call being

18 configured such that, when executed, the function call obtains the locale-sensitive content

19 from the data structure.

20

21   The combination of Hinks, Sun, and Robbins-2 fails to render claim 1 obvious

22 under 35 U.S.C. § 103(a) for any one (or more) of the three reasons identified below in

23 Sections A, B, and C.

24

25

(A) Robbins-2 fails to disclose the feature for which it was relied upon.

The present Robbins-2 document was cited to replace the previous Robbins document ("Effective awk Programming, 3rd Edition," referred to as "Robbins-1"). More specifically, the Patent Office removed the Robbins-1 document because the January 20, 2005 After-Final Response pointed out that this document was not prior art to the present invention, e.g., because its publication date did not precede the filing date of the instant application. The Robbins-2 document is now "plugged into" the rejection in place of the Robbins-1 document. However, in terms of content, the Robbins-2 document is not a substitute for the Robbins-2 document. More to the point, the Robbins-2 document does not include the very feature that the Examiner placed critical importance on in the October 20, 2004 Office Action, yet the present rejection reads as if it did.

More specifically, the October 20, 2004 Office Action emphasized a footnote in Section 9.4.1 of Robbins-1 that states, "Eventually, the *xgettext* utility that comes with GNU gettext will be taught to automatically run gawk – gen-po for *.awk* files, freeing the translator from having to do it manually." On page 9 of the October 20, 2004 Office Action, the Examiner interprets this passage as teaching "automatic extraction" of locale-sensitive content from a document. The new Robbins document, i.e., Robbins-2, includes only the following brief statement regarding the gen-po operation, "3. New '-- gen-po' option creates GNU gettext .po files for strings marked with a leading underscore." This passage merely mentions the use of a gen-po operation, and states that the "gettext" label can be replaced by an underscore. It does not even hint at *automatically* running the gawk program. Thus, the Examiner's reliance on the brief passage of Robbins-2 to show automatic extraction of locale-sensitive content is misplaced. In other words, since Robbins-2 does not disclose automatically running the gawk program, it cannot be simply "plugged into" the Office Action as a replacement of Robbins-1.

Moreover, Robbins-2 is not an enabling disclosure. As stated in MPEP § 2121.01, "the disclosure in an anticipating reference must provide an enabling disclosure of the desired subject matter; mere naming or description of the subject matter is insufficient, if it cannot be produced without undue experimentation." In the present case, Robbins-2 contains only the brief comment regarding the gen-po operation quoted above. Robbins-2 prefaces this comment by stating that this identified feature (along with 26 other such features) will be introduced in version 3.1.0 of the gawk program, which is said to be "Coming this year." This merely gives the reader a broad and superficial sketch of features which *will be* introduced, not a description of how these features will be implemented. And certainly, there is not even a hint of the key feature that the Examiner is attaching importance to – namely, the automatic extraction of locale-sensitive content.

Since Robbins-2 fails to disclose the feature for which it was cited, the Office Action fails to set forth a prima facie case of obviousness of claim 1 under § 103. The rejection of claim 1 should be withdrawn for at least this reason.

(B) The combination of documents fails to disclose each of claim 1's elements.

As stated in MPEP § 2143.01, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Even if, assuming for the sake of argument, that both Robbins-1 and Robbins-2 are valid documents, the combination of Hinks, Sun, Robbins-1, and Robbins-2 does not disclose all of the elements recited in claim 1.

For example, none of the above documents describes *extracting and removing* locale-sensitive content from the document while leaving locale-independent elements in the document, and *substituting*, in a *same operation as the extracting and removing*, a

function call *in place of* associated removed locale-sensitive content in the document. For instance, Hinks does not substitute a function call in pace of associated removed locale-sensitive content. Namely, Hinks forms a Translation Table 340 from a program, translates any translatable content using editors 350, and then rejoins the translated content back to the program. The Examiner acknowledges the deficiencies of Hinks by stating that "Hinks does not expressly disclose the substitution of a locale-sensitive content with a function call" (e.g., page 4 of the current Office Action).

The Office Action relies on the Sun and Robbins documents to make up for the shortcomings of Hinks. However, considering Sun first, this document uses function calls in a manner which is significantly different than the way the method of claim 1 uses function calls. In Sun, the gettext() function is added so that it *wraps around* existing locale-sensitive content. For example, if an application contained a message, "Please type your login ID," then the gettext() procedure might transform this statement as follows: gettext("Please type your login ID"). Then, after the gettext() function calls have been inserted around the text in a program, Sun runs a separate utility, the xgettext() operation, to create the portable file containing the locale-sensitive content.

First, Sun's adding of the gettext() function calls to the program cannot be said to *remove* the locale-sensitive content as claimed. Rather, the gettext() function calls *wrap around* the locale-sensitive content. At best, the gettext() function calls therefore can be said to *supplement* the locale-sensitive content, not remove it. Second, because the gettext() function calls do not remove the locale-sensitive content, Sun cannot be said to substitute, in a same operation as the extracting and removing, a function call *in place* of associated removed locale-sensitive content. In other words, the gettext() function calls are not substitutes that stand in place of removed content, but rather simply mark content that remains present upon the addition of the gettext() function calls.

The Robbins documents (Robbins-1 and Robbins-2) were cited to specifically address the "in a same operation" clause of claim 1, added in the July 16, 2204 Amendment. More specifically, the Examiner relied on Robbins-1 presumably to show that it would have been obvious to automate certain aspects of Sun's procedure. However, whatever Robbins-1 means by "automatically run[ning] gawk – gen-po for .awk files" (and this is not clear), Robbins does not propose a change to the basic approach of Sun. In this approach, as explained above, the locale-sensitive content is first marked (either by a gettext() function call, or an abbreviated form of this function call, such as an underscore "_"). Then the marked content is extracted into a .po file. Even if the extraction automatically follows the marking, it does not change the fact that the gettext() function calls are added in a manner which *supplements* the locale-sensitive content, rather than removing the local-sensitive content. Moreover, even if the extraction automatically follows the marking, it does not change the fact that the gettext() function calls do not serve as substitutes *in place* of associated removed locale-sensitive content.

To clarify the record, the clause "in a same operation" merely conveys that the extracting, removing and substituting form an integrated procedure in which function calls take the place of locale-sensitive content. In this sense, the clause "in a same operation" is implicit in the very nature "substitution" itself. The clause "in a same operation" should not to be narrowly construed; it may encompass any series of manual and/or automatic operations of any nature, potentially even including one or more intermediary operations not identified in claim 1. For the reasons stated above, even when the clause "in a same operation" is properly broadly construed, the combination of Hinks, Sun, Robbins-1, and Robbins-2 does not disclose the core concept of substitution recited in claim 1.

The Patent Office addresses part of the arguments identified above in paragraph No. 7 of the October 20, 2004 Office Action. The Examiner argues as follows:

> Applicant argues on page 26, lines 3-5 that Sun's function calls 'do not remove the locale-sensitive content as claimed; rather, at best, the functions supplement the locale-sensitive content.' The examiner disagrees with this interpretation. While Sun does appear to leave the locale-sensitive content in the source code as applicant has argued, it can also be argued that once the locale-sensitive content is located and 'supplemented' by the gettext() function, it is logically converted into locale-independent content in the form of a key into a database of translations. In the presence of the function, this string no longer holds any significance regarding any particular locale since the function will use the string as a key to provide the program with whatever locale is currently required. The string is extracted, placed in a text database, and its locale-sensitive nature thus removed by replacing it with the insertion of the function that uses the former string as a locale-independent key. The key is then used to look up various translations using the text database. In fact, the use of this string as a key into a text database is an efficient implementation since the generation of an additional key would required an unnecessary step of computation. As can be seen from the figures on page 99 of the Sun reference, the original string is used as a message identifier ("msgid") that is locale-independent. As such, a message identifier uniquely identifies a message in order to provide the real message string ("msgstr")

The undersigned thanks the Examiner for carefully setting forth a position of philosophical sophistication, but this argument is nevertheless factually in error. To repeat, claim 1 calls for, in part, "extracting and *removing* locale-sensitive content from the document while leaving locale-independent elements in the document," and

"substituting, in a same operation as the extracting and removing, a function call *in place of associated removed locale-sensitive content in the document.*" "Removing" should be given its plain meaning, indicating that the locale-sensitive content is literally *moved* from the document, not merely reinterpreted for a different use. To provide an analogy, suppose that a machine is produced having an element X that performs a function Y. If the machine is reconfigured into another machine, such that element X now performs a function Z, then it is not proper to say that element X has been *removed* from the machine. It is still present in the machine. Similarly, because the locale-sensitive content serves as a look up key does not change the fact that it is still locale-sensitive content. Moreover, the locale-sensitive content is displayed "as is" when there is no translation available, and therefore, in this role, this content constitutes local-sensitive content, pure and simple.

The Patent Office's argument is also in error because a gettext() function call is not *substituted in place of* the locale-sensitive content, as it wraps around the content. In other words, substituting Y *in place of* X is different than using Y to bracket or otherwise mark X.

Since the cited documents fail to teach all of the elements of claim 1, even if combined together in any manner, the Office Action fails to set forth a prima facie case of obviousness of claim 1 under § 103. The rejection of claim 1 should be withdrawn for at least this reason.

(C) There is no motivation to combine the documents together.

As stated in MPEP § 2143.01, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In*

1 *re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21

2 USPQ2d 1941 (Fed. Cir. 1992). The mere fact that references can be combined or

3 modified does not render the resultant combination obvious unless the prior art also

4 suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430

5 (Fed. Cir. 1990). In the present case, there is no motivation to combine Robbins-2 and

6 Sun with the Hinks document, absent the use of impermissible hindsight.

7   More specifically, Hinks forms a Translation Table 340 from a program,

8 translates any translatable content using editors 350, and then rejoins the translated

9 content back to the program. The Sun and Robbin-2 documents, by contrast, achieve

10 translation by inserting function calls into a program, and then use the function calls to

11 extract locale-sensitive content. Thereafter, the extracted locale-sensitive content is

12 translated. During use, the function calls serve as references to the translated locale-

13 sensitive content. Since Hinks and Suns/Robbins perform the same operation of program

14 translation *in two different ways*, there would be no motivation to apply the features of

15 one technique to supplement the other. For example, there would be no motivation to use

16 function calls in Hinks technique, as Hinks accomplishes translation without the use of

17 function calls; indeed, adding function calls to Hinks would contradict the core principles

18 of Hinks' translation technique, requiring a complete re-engineering of Hinks. As stated

19 in MPEP § 2143.01, if the proposed modification or combination of the prior art would

20 change the principle of operation of the prior art invention being modified, then the

21 teachings of the references are not sufficient to render the claims prima facie obvious. *In*

22 *re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

23   The Patent Office provides an extended discussion of the combination of Hinks

24 and Sun in paragraph No. 6 of the October 20, 2004 Office Action. Paraphrasing that

25 argument, the Office Action contends that Sun is directed to internationalization, while

Hinks is directed more to localization, and it would therefore be obvious to add Sun to

Hinks to provide internationalization in Hinks. This logic is in error, however, as

internationalization and localization are part of an integrated process (e.g., note page 95

of Sun, which states that, "Internationalization and localization go hand-in-hand"). As

pointed out above, the techniques of Hinks and Sun cannot possibly go "hand-in-hand,"

because they are based on incompatible principles and methodologies.

Since there is no motivation to combine Hinks with Sun/Robbins-2 (absent the

use of impermissible hindsight), the Office Action fails to set forth a prima facie case of

obviousness of claim 1 under § 103. The rejection of claim 1 should be withdrawn for at

least this reason.

The other pending independent claims (i.e., claims 1, 7, 13, 20, 32, 41, 49, and

53) recite related features to claim 1, and are therefore allowable for reasons that are

similar to those presented for claim 1. The dependent claims are allowable at least by

virtue of their dependency on their respective independent claims. The Gao document

does not cure any of the deficiencies identified above, nor was it relied on in the Office

Action for this purpose.

For at least the above-stated reasons, the Applicant respectfully requests the

withdrawal of the 35 U.S.C. § 103 rejections.

Conclusion

The arguments presented above are not exhaustive; Applicant reserves the right to present additional arguments to fortify its position. Further, Applicant reserves the right to further challenge the alleged prior art status of one or more documents cited in the Office Action.

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance and such allowance is respectfully solicited. The Examiner is urged to contact the undersigned if any issues remain unresolved by this Amendment.

Respectfully Submitted,

Dated: October 7, 2005   By: _____

David M. Huntley
Reg. No. 40,309
(509) 324-9256, ext. 248